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| <b>RESPONSE TO RESTRICTION<br/>REQUIREMENT</b><br><br>Address to:<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 | Attorney Docket Confirmation No. | GUID-005CON6<br>5455  |
|   | First Named Inventor             | Taylor  |
|   | Application Number               | 10/684,557  |
|   | Filing Date                      | 10/14/2003  |
|   | Group Art Unit                   | 3732  |
|   | Examiner Name                    | Singh, Sunil K.   |
|   | Title                            | Surgical Instruments and Procedures for Stabilizing the Beating Heart During Coronary Artery Bypass Graft Surgery Thereof |

Sir:

This is in response to the Restriction Requirement dated January 22, 2009 for which a one-month period for response was given making this response due on or before February 23, 2009 (February 22, 2009 being a Sunday).

**THE RESTRICTION REQUIREMENT**

In the Official Action dated January 22, 2009, the Examiner required an election of a single "invention" from the following list of "inventions" that the Examiner identified:

Group I: Claims 1, 12-13, 46, 53, 58, 190-192, 194-211, and 214-220, drawn to a device for use in cardiovascular surgery; and

Group II: Claims 212-213, drawn to a method of preparing a device.

The Examiner required election of one of the above-listed invention Groups I-II to be responsive to the Office Action.

In addition to requiring election of one of the above inventions, the Examiner has further required an election of species from one of the following "Species" that the Examiner has identified:

Species (a) - Fig. 2;  
 Species (b) - Fig. 3;  
 Species (c) - Figs. 4A-4C;  
 Species (d) - Fig. 5;

Species (e) - Fig. 6A;  
Species (f) - Fig. 6B;  
Species (g) - Fig. 7A;  
Species (h) - Fig. 7B;  
Species (i) - Fig. 7C;  
Species (j) - Fig. 7D;  
Species (k) - Fig. 7E;  
Species (l) - Fig. 8;  
Species (m) - Fig. 9A;  
Species (n) - Fig. 9B;  
Species (o) - Fig. 9H;  
Species (p) - Fig. 10A;  
Species (q) - Fig. 10B;  
Species (r) - Fig. 10C;  
Species (s) - Figs. 15A-15B;  
Species (t) - Figs. 17A-17D;  
Species (u) - Figs. 18A-18D;  
Species (v) - Figs. 19A-19B;  
Species (w) - Figs. 20A-20E;  
Species (x) - Figs. 21A-21C;  
Species (y) - Figs. 22A-22C;  
Species (a2) - Figs. 23A-23B;  
Species (b2) - Figs. 24A-24B; and  
Species (c2) - Figs. 26A-26C.

The Examiner asserted that no claims are generic. The Examiner required election of one of the above-listed species (a) – (c2) to be responsive to the Office Action.

#### **RESPONSE**

In response to the restriction requirement, Applicants elect Invention Group I, species (e), claims 1, 12-13, 46, 53, 58, 190-192, 194-202, 219 and 220, without traverse. Applicants further respectfully submit that claim 190 is generic to claims 203-211.

#### **Conclusion**

Applicants respectfully submit that a proper response has been made to the Restriction Requirement., and that all of the claims in this application are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

Atty Dkt. No.: GUID-005CON6

USSN: 10/684,557

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-2653, order number GUID-005CON6.

Respectfully submitted,  
LAW OFFICE OF ALAN W. CANNON

Date: February 5, 2009

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